June 9, 2020

The Honorable Chris Van Hollen
111 Rockville Pike, Suite 960
Rockville, MD 20850

Subject: Re: Falsification of Medical Reviews at HHS in Denials of Reasonable Accommodations for Federal Employees / Requesting a Stop to the Falsification of Medical Reviews at HHS

Dear Senator Chris Van Hollen:

My name is Claudia Rausch, I am a citizen of Maryland and have been employed by the U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA), in Rockville, Maryland since October 2015. I'm a Management Analyst within the Division and Practitioner Data Bank (DPDB) which manages The National Practitioner Data Bank (NPDB), an information clearing house created by Congress in 1986 to improve health care quality, protect the public, and reduce health care fraud and abuse. Prior to working in DPDB, I spent 8 years managing healthcare regulatory processes and providing oversight of physician qualification and competency quality assurance processes, both in and out of federal government. During my tenure with HHS, I have been a loyal and dedicated employee and always have acted in HHS's best interests.

I have become aware of certain conduct and practices, however, that I feel compelled to bring to your attention, as required by federal law which requires me, as a federal employee, to bring to the attention of appropriate authorities, conduct and actions on the part of the federal government that I consider to constitute unethical or unlawful conduct. I therefore bring the following in effort to help maintain a culture of honesty and accountability.

I have reason to believe that HRSA Agency officials, to include Elizabeth Pinkard-Adams, Accessibility Specialist and Katherine Slye-Griffin, Accessibility Chief, have intentionally falsified and/or misrepresented physicians' medical opinions in effort to support denials of reasonable accommodations to federal employees. On April 24, 2020, Ms. Pinkard-Adams presented me with a short narrative alongside a reasonable accommodation decision letter under the guise the narrative is the opinion of an unnamed "*Medial Reviewing Officer*" from the Agency's Office of Federal Occupational Health (FOH). The narrative is unsigned by the unnamed physician and demonstrates significant evidence of departure from medical practice standards, which I have thoroughly analyzed and summarized in a statement of facts I have provided to the Government Accountability Office (GAO) that references the various authoritative sources to include the American College of Occupational and Environmental Medicine (ACOEM), The Federation of State Medical Boards (FSMB), The American Psychiatry Association (APA); and The Office of Personnel Management (OPM); all which in support the conclusion that the medical opinion has been falsified.

In researching the matter, it appears this is not an isolated instance and the Agency has done this in the past to justify denials of reasonable accommodations; in which I believe an investigation would uncover further instances and confirm this conclusion. I also reasonably believe other Agency Officials to include David Loewenstein, Director of DPDB and Melissa Moore, Deputy Director of DPDB, supported the April 24, 2020 incident which raises additional concerns as there is a clear nexus between these actions and the mission of the Agency and DPDB. **Under normal circumstances, this matter would trigger an investigation by the Maryland Licensing Board of Physicians (the "Board"). However, because the Board is subject to the authority of the Agency's Division of Practitioner Data Bank; I believe conflicts of interest would discourage an impartial review of the matter** by the Board and would keep this matter from being appropriately addressed.

I have reported this matter to the Government Accountability Office (GAO) and the Maryland Board of Physicians and respectfully **request that you support the GAO and Maryland Board of Physicians in fully and appropriately investigating the matter so that a stop is put to the falsification of medical opinions. Not only do falsified medical opinions constitute fraud in this instance; but as these actions are being done to support denials of reasonable accommodations; they also violate the Rehabilitation Act, the American Disabilities Act (ADA) standards and ultimately amounts to civil right violations**. I reasonably believe that the deliberate disregard for state and federal laws that surround these circumstances create further substantial danger to public health and as well as threaten the work environment and civil rights of federal employees of HHS who have a right to reasonable accommodations for qualifying disabilities. Secretary Alex Azar addressed all Agency employees on June 3, 2020 following the civil rights tragedy of George Floyd and denounced discrimination while advocating to have meaningful conversations within the Department to help the country better live up to our founding ideals. I can only hope that the very Department employees who have been wrongly denied reasonable accommodations by falsified medical reviews are considered in the Agency's support of the Secretary's June 3rd, 2020 stance on civil rights.

These are turbulent times for civil right matters and the public's confidence in government entities; therefore, I seek your support in this matter so that our government may continue to reinforce the investing public's trust and confidence in the Government's commitment to public safety and civil rights.

Respectfully,

Claudia M. Rausch
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